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SUNWARD LOGISTICS USA LLC  
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9 **UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION**

10 FORD MOTOR COMPANY, a  
11 Delaware Corporation,

12 Plaintiff,

13 v.

14 CROV INC. d/b/a crov.com, a  
Delaware Corporation; SUNWARD  
15 LOGISTICS USA LLC, a California  
Limited Liability Company;  
16 QINGDAO HAIRUNKAIYUAN  
AUTO PARTS CO., LTD., d/b/a  
17 www.freedream4x4.com and also  
Qingdao Yuanxi Auto Parts Co.,  
18 LTD., a Chinese business entity; FD-  
ALL TOGETHER AUTOMOTIVE  
19 INC., a California Corporation; and,  
DOES 1 through 30 inclusive,  
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21 Defendants.  
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Case No. 2:22-CV-05552 DSF (AGRx)  
Hon. Dale S. Fischer  
Magistrate Alicia G. Rosenberg

**DEFENDANT SUNWARD LOGISTICS  
USA LLC'S ANSWER TO  
PLAINTIFF'S COMPLAINT AND  
DEMAND FOR JURY TRIAL**

Complaint Filed: August 8, 2022  
Trial Date: Not set

1 Defendant Sunward Logistics USA LLC (“Sunward”), by and through its  
 2 counsel of record, submits the following answer to the Complaint asserted by  
 3 Plaintiff Ford Motor Company (“Ford”). Any allegations or averments not  
 4 specifically admitted herein are denied.

### 5 **INTRODUCTION**

- 6 1. Sunward denies the allegations in Paragraph 1.
- 7 2. Sunward denies the allegations in Paragraph 2.
- 8 3. Sunward denies the allegations in Paragraph 3.
- 9 4. Sunward denies the allegations in Paragraph 4.
- 10 5. Sunward lacks knowledge or information sufficient to form a belief  
 11 about Ford’s motivation in bringing this action, and on that basis denies the  
 12 allegations in Paragraph 5.

### 13 **PARTIES**

- 14 6. Sunward lacks knowledge or information sufficient to form a belief  
 15 about the truth of the allegations in Paragraph 6, and on that basis denies them.
- 16 7. Sunward lacks knowledge or information sufficient to form a belief  
 17 about the truth of the allegations in Paragraph 7, and on that basis denies them.
- 18 8. Sunward admits the allegations in Paragraph 8.
- 19 9. Sunward lacks knowledge or information sufficient to form a belief  
 20 about the truth of the allegations in Paragraph 9, and on that basis denies them.
- 21 10. Sunward lacks knowledge or information sufficient to form a belief  
 22 about the truth of the allegations in Paragraph 10, and on that basis denies them.
- 23 11. Sunward denies the allegations in Paragraph 11.
- 24 12. Sunward lacks knowledge or information sufficient to form a belief  
 25 about the truth of the allegations in Paragraph 12, and on that basis denies them.
- 26 13. Sunward denies the allegations in Paragraph 13.
- 27 14. Sunward denies the allegations in Paragraph 14.

**FORD'S ALLEGATIONS RELATING TO JURISDICTION AND VENUE**

15. Sunward admits that this action purports to arise under the Lanham Act and, as such, alleges that this Court has subject-matter jurisdiction.

16. Sunward admits that this Court has personal jurisdiction over it. Sunward lacks knowledge or information sufficient to form a belief about the truth of the remainder of the allegations in Paragraph 16, and on that basis denies them.

17. Sunward admits that venue is proper in this District. Sunward lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 17, and on that basis denies them.

**FACTUAL ALLEGATIONS**

18. Sunward lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 18, and on that basis denies them.

19. Sunward lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 19, and on that basis denies them.

20. Sunward lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 20, and on that basis denies them.

21. Sunward lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 21, and on that basis denies them.

22. Sunward lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 22, and on that basis denies them.

23. Sunward lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 23, and on that basis denies them.

24. Sunward lacks knowledge or information sufficient to form a belief about the truth of the allegations in the first two sentences of Paragraph 24.

Sunward otherwise denies the allegations in Paragraph 24.

25. Sunward denies the allegations in Paragraph 25.

26. Sunward lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 26, and on that basis denies them.

27. Sunward lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 27, and on that basis denies them.

28. Sunward admits that there was an inspection of its New Jersey warehouse in November 2020, but lacks knowledge or information sufficient to form a belief about the truth of all other allegations in paragraph 28, and on that basis denies them.

29. Sunward admits that there was an inspection of its California warehouse in May 2021, but lacks knowledge or information sufficient to form a belief about the truth of all other allegations in paragraph 29, and on that basis denies them.

30. Sunward lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 30, and on that basis denies them.

31. Sunward lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 31, and on that basis denies them.

32. Sunward denies the allegations in Paragraph 32.

33. Sunward denies the allegations in Paragraph 33.

34. Sunward lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 34, and on that basis denies them.

35. Sunward denies the allegations in Paragraph 35.

### **Claim One: Federal Trademark Infringement**

36. Sunward incorporates by reference its responses to each of the allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

37. Sunward lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 37, and on that basis denies them.

38. Sunward lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 38, and on that basis denies them.

39. Sunward denies the allegations in Paragraph 39.

40. Sunward denies the allegations in Paragraph 40.

1           41.     Sunward lacks knowledge or information sufficient to form a belief  
2 about the truth of the allegations in Paragraph 41, and on that basis denies them.

3           42.     Sunward denies the allegations in Paragraph 42.

4           43.     Sunward denies the allegations in Paragraph 43.

5           44.     Sunward denies the allegations in Paragraph 44.

6           45.     Sunward denies the allegations in Paragraph 45.

7                   **Claim Two: Federal Trademark Counterfeiting**

8           46.     Sunward incorporates by reference its responses to each of the  
9 allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

10          47.     Sunward denies the allegations in Paragraph 47.

11          48.     Sunward denies the allegations in Paragraph 48.

12          49.     Sunward denies the allegations in Paragraph 49.

13          50.     Sunward denies the allegations in Paragraph 50.

14          51.     Sunward denies the allegations in Paragraph 51.

15          52.     Sunward denies the allegations in Paragraph 52.

16                   **Claim Three: Federal Unfair Competition**

17          53.     Sunward incorporates by reference its responses to each of the  
18 allegations in the preceding paragraphs of the Complaint as if fully set forth herein.

19          54.     Sunward denies the allegations in Paragraph 54.

20          55.     Sunward denies the allegations in Paragraph 55.

21          56.     Sunward denies the allegations in Paragraph 56.

22          57.     Sunward denies the allegations in Paragraph 57.

23          58.     Sunward denies the allegations in Paragraph 58.

24                   **DEMAND FOR JURY TRIAL**

25          Defendant demands a jury trial on all issues that may be so tried.  
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**Prayer for Relief**

Sunward denies the allegations contained in Ford's Prayer for Relief and denies that Ford is entitled to any relief, including, but not limited to, the relief requested in subparts A through J of the Prayer and each and every subpart thereof.

**AFFIRMATIVE DEFENSES AND OTHER DEFENSES**

Sunward asserts the following Affirmative Defenses without assuming the burden of proof as to any issue, claim, or defense for which Ford bears the burden of proof, and reserving the right to amend this Answer and any defense, and to assert any additional defenses, when, and if, in the course of investigation, discovery, preparation for trial, or otherwise it becomes appropriate to assert such modified or additional defenses. Sunward raises the following separate, distinct and affirmative defenses:

**First Defense: Failure to State a Claim**

1. Ford's Complaint, and each and every claim therein, fails to state a claim against Sunward upon which relief may be granted.

**Second Defense: No Federal Trademark Infringement**

2. Sunward did not infringe any of Ford's federal trademark rights.

**Third Defense: No Federal Trademark Counterfeiting**

3. Sunward did not counterfeit any of Ford's federal trademarks.

**Fourth Defense: No Federal Unfair Competition**

4. Sunward did not engage in unfair competition under federal law.

**Fifth Defense: No Proximate Cause**

5. Sunward's conduct was not the proximate cause of any alleged injury or damage to Plaintiff.

**Sixth Defense: Laches and Estoppel**

6. Ford's Complaint is barred by the doctrine of laches and/or estoppel.

Dated: October 6, 2022

STRADLING YOCCA CARLSON &  
RAUTH, P.C.

By: /s/ Salil Bali

Jason de Bretteville  
Salil Bali

Attorneys for Defendant  
SUNWARD LOGISTICS USA LLC